

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

TEMESHIA HARRIS,

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*

Plaintiff,

*

*

v.

CV 123-111

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EXPERIAN INFORMATION

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SOLUTIONS, INC.; EQUIFAX INC.;

*

and TRANSUNION LLC,

*

*

Defendants.

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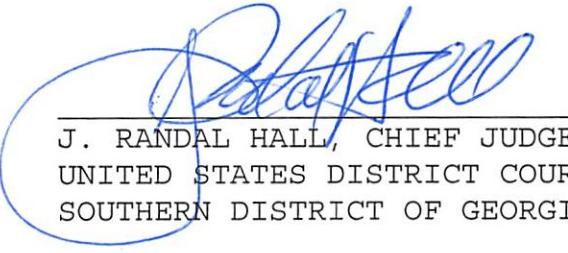
O R D E R

Before the Court is the Parties' stipulation of dismissal with prejudice as to Defendant Equifax Inc. ("Equifax"). (Doc. 17.) The Parties move to dismiss Equifax under Rule 41(a)(1)(A)(ii); however, the stipulation is only signed by Plaintiff and Equifax. (*Id.* at 2.) This Court has previously held "that Rule 41(a)(1) is a proper mechanism to dismiss less than all the parties to a controversy." Jackson v. Equifax Info. Servs., LLC, No. CV 119-096, 2020 WL 476698, at *1 (S.D. Ga. Jan. 29, 2020); see also Rainey-Jones v. Charlie Norwood VA Med. Ctr., No. CV 119-186, 2020 WL 5370958, at *1 (S.D. Ga. Sept. 8, 2020) ("A stipulation of dismissal may be used . . . to dismiss an entire action against a particular defendant in a lawsuit."). However, the Rule requires the stipulation be "*signed by all parties who have appeared.*" Fed. R. Civ. P. 41(a)(1)(A)(ii) (emphasis added).

The Eleventh Circuit has found a stipulation of dismissal that "was not signed by all parties who have appeared in th[e] case" was invalid. Hardnett v. Equifax Info. Servs., LLC, No. 21-13195, 2023 WL 2056285, at *1 (11th Cir. Feb. 17, 2023).

IT IS THEREFORE ORDERED that Plaintiff and Defendant Equifax's dismissal of Defendant Equifax is DENIED WITHOUT PREJUDICE. If the Parties want to dismiss Defendant Equifax, they are instructed to re-file their motion signed by all Parties.

ORDER ENTERED at Augusta, Georgia, this 27th day of September, 2023.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA